

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

TRAVELERS CASUALTY AND SURETY COMPANY
OF AMERICA,

Plaintiff,

vs.

No. 8-CV-50008

YOUNG CONSTRUCTION & PAVING, LLC; KAREN B.
YOUNG; GORDON T. YOUNG; JEFFREY D. YOUNG;
MONICA L. YOUNG; JOSEPH WELLS; TERRI
WELLS; LUKE D. VANDER BLEEK; and JOAN L.
VANDER BLEEK,

Defendants.

and

JOSEPH WELLS; TERRI WELLS; LUKE D. VANDER
BLEEK; and JOAN L. VANDER BLEEK,

Counter-Plaintiffs/Third-Party Plaintiffs,

vs.

TRAVELERS CASUALTY AND SURETY COMPANY
OF AMERICA,

Counter-Defendants,

and

TRISSEL, GRAHAM AND TOOLE, INC., a corporation,
DANIEL CURRAN, and ROGER A. COLMARK,

Third-Party Defendants.

MOTION FOR COURT ASSISTANCE AS TO THE SCHEDULING ORDER

NOW COME the Defendants, JOSEPH WELLS, TERRI WELLS, LUKE D. VANDER BLEEK, and JOAN L. VANDER BLEEK, by RENO & ZAHM LLP, by Robert A. Fredrickson and Jack D. Ward, and moves this Court for Court Assistance as to the Scheduling Order, and in support thereof state as follows:

1. That the Court entered an order at the last status/scheduling hearing for the depositions of Roger Colmark and Dan Curran and other limited discovery to take place on or before May 3, 2008 with regard to the above case.

2. That the attorneys of record were contacted along with Mr. Colmark who appears pro se, and with the agreement of Attorneys Allen and Balsley, who were the only attorneys that responded, the Curran and Colmark depositions were scheduled for April 24, 2008.

3. That Mr. Colmark, who is representing himself in these proceedings, reached Attorney Fredrickson by phone on April 16, 2008 at approximately 5:00 p.m. to state that he was going on a Trans-Atlantic cruise and vacation and would be gone April 17, 2008 through May 5, 2008 (which communication was followed up by e-mail).

4. That there is no opportunity to schedule and complete Mr. Colmark's deposition before the May 3, 2008 deadline established by the Court, and the Court's direction is necessary as to whether to proceed with the Curran deposition in the absence of Mr. Colmark, who presumably would be present representing himself at that deposition.

WHEREFORE, the undersigned prays for Court assistance with regard to either relief from the deadline, appropriate sanctions against Mr. Colmark, and/or an order that the Curran deposition proceed regardless of the presence or absence of Mr. Colmark.

Dated this 18th day of April, 2008.

JOSEPH WELLS; TERRI WELLS; LUKE
D. VANDER BLEEK; and JOAN L.
VANDER BLEEK

By: RENO & ZAHM LLP

By: 
Robert A. Fredrickson

RENO & ZAHM LLP
BY: ROBERT A. FREDRICKSON, #00868469
JACK D. WARD, #3125783
MICHAEL J. SCHIRGER, #6290691
2902 McFarland Road
Perry Creek Plaza, Suite 400
Rockford, IL 61107
(815) 987-4050

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served upon the following:

Atty. John E. Sebastian
Atty. Albert L. Chollet, III
Hinshaw & Culbertson, LLP
Fax 312-704-3001

Atty. James M. Allen
Hinshaw & Culbertson, LLP
Fax 815-490-4901

Atty. Steven Balsley
Barrick, Switzer, Long, Balsley & Van Evera
Fax 815-962-0687

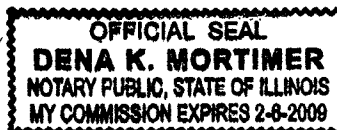
Atty. Anthony J. Tunney
Hepler, Broom, MacDonald, Hebrank,
True & Noce, LLC
Fax 312-230-9201

Mr. Roger Colmark
Fax 815-626-9268

by faxing the same to the above persons at the above facsimile numbers, from Rockford, Illinois on April 18, 2008.

Subscribed and sworn to before me on
the 18th day of April, 2008.

Dena K. Mortimer
Notary Public



Reno & Zahm LLP
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